

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 24-cr-225 (NEB/TNL)

Plaintiff,

v.

ORDER

Eric Phillip Allen,

Defendant.

This matter comes before the Court on Defendant Eric Phillip Allen's Motion for Continuance of Pretrial Motion Filing Deadline, ECF No. 20. Defendant has also filed a Statement of Facts in Support of Exclusion of Time Under the Speedy Trial Act, ECF No. 21.

Defendant requests that the motions filing date and the motion hearing date be continued by 45 days. ECF No. 20 at 1. Defendant states that he needs additional time to review discovery and discuss the discovery with his counsel. *Id.* The Government has no objection to the requested extension. *Id.* at 2. Defendant also seeks an exclusion under the Speedy Trial Act. *Id.*; ECF No. 21 at 2.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial and such continuance is necessary to provide Defendant and his counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion for Continuance of Pretrial Motion Filing Deadline, ECF No. 20, is **GRANTED**.

2. The period of time from **the date of this Order through October 25, 2024**, shall be excluded from Speedy Trial Act computations in this case.

3. All motions in the above-entitled case must be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **October 25, 2024**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses must be delivered directly to the chambers of Magistrate Judge Leung.

4. **Counsel must electronically file a letter on or before October 25, 2024 if no motions will be filed and there is no need for hearing.**

5. All responses to motions must be filed by **November 8, 2024**. *See* D. Minn. LR 12.1(c)(2).

6. Any Notice of Intent to Call Witnesses must be filed by **November 8, 2024**. *See* D. Minn. LR. 12.1(c)(3)(A).

7. Any Responsive Notice of Intent to Call Witnesses must be filed by **November 13, 2024**. *See* D. Minn. LR 12.1(c)(3)(B).

8. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and a defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or

- b. Oral argument is requested by either party in its motion, objection or response pleadings.

9. If required, the motions hearing must be heard before Magistrate Judge Tony N. Leung on **December 4, 2024, at 10:00 a.m.**, in Courtroom 9W, Diana E. Murphy United States Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota. *See* D. Minn. LR 12.1(d).

10. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT:**

This case must commence trial on **December 9, 2024** before District Judge Brasel in **Courtroom 13W**, Diana E. Murphy United States Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota.

b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Brasel to confirm the new trial date.**

Dated: September 9, 2024

/s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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